

EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DARLINGTON AMADASU, pro se	:	Case No.: C-1-01-182
	:	
Plaintiff,	:	Judge Spiegel
	:	
v.	:	Magistrate Judge Sherman
	:	
MERCY FRANCISCAN HOSPITAL -	:	
WESTERN HILLS, et al.	:	
	:	<b>AFFIDAVIT OF</b>
Defendants.	:	<b><u>JENNIFER ORR MITCHELL, ESQ.</u></b>

County of Hamilton    )  
                                  ) ss:  
State of Ohio            )

Jennifer Orr Mitchell, Esq., being duly sworn and cautioned, for her Affidavit in support of Defendant Dr. Berry's Emergency Motion to Take Deposition of Plaintiff Darlington Amadasu, states as follows:

1. My name is Jennifer Orr Mitchell. I am counsel for Defendant Ravi B. Berry, M.D. ("Dr. Berry"), in the above-captioned matter. I make this Affidavit on my own personal knowledge and am competent to testify as to all matters set forth herein.

2. Plaintiff's deposition was continued in progress when it was taken on March 28, 2002.

3. An additional deposition is needed for a fair examination of Plaintiff due to the length of time this matter was stayed and because Plaintiff delayed and impeded his examination at his prior deposition.

4. I spoke with counsel for co-Defendants, Karen Carroll, and the following date and time for Plaintiffs' deposition were scheduled:

**Deponent:** Plaintiff Darlington Amadasu  
**Date and Time:** Wednesday, November 8, 2006 at 9:00 a.m.  
**Place:** Dinsmore & Shohl LLP  
1900 Chemed Center  
255 E. Fifth St.  
Cincinnati, OH 45202

5. Despite repeated requests prior to his March 28, 2002 deposition, Plaintiff failed to provide documents and discovery responses so that defense counsel could fully prepare to take his deposition. Nevertheless, the deposition went forward with defense counsel hoping to obtain the information Plaintiff had to that point refused to provide.

6. At the deposition, however, Plaintiff continued in his refusal to provide answers to questions and authorizations to which Defendants are entitled. In addition, Plaintiff was non-cooperative and argumentative for the duration of his examination, causing delay and impeding Defendants' ability to effectively depose him.

7. For example, Plaintiff refused to provide standard background information (such as the names, ages, addresses, etc., of his children), information on his prior psychiatric care in New York and Salt Lake City, authorizations for the release of the records of the Crisis Stabilization Center (the facility to which he claims Dr. Berry's referral of him was improper), authorizations for the release of records relating to his residency programs, information on his insurance coverage relating to the hospitalization at issue in this lawsuit, information on the damages he alleges he suffered, and other such information necessary for Defendants to fully evaluate Plaintiff's claims.

8. Despite the deposition lasting nearly 6 ½ hours, Defendants were not able to get beyond the basics due to Plaintiffs' antics.

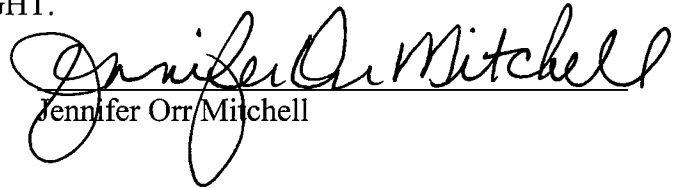
9. Thereafter, as the Court is aware, this case was stayed for approximately 3 years due to liquidation proceedings involving Defendant Dr. Berry's insurer. Plaintiff's continuation

deposition is necessary to obtain updated information from Plaintiff, in addition to information on those topics he was not willing to address at his prior deposition.

10. We anticipate that Plaintiff will continue with his evasive behavior at the continuation of his deposition, which defense counsel intend to take on November 8, 2006.

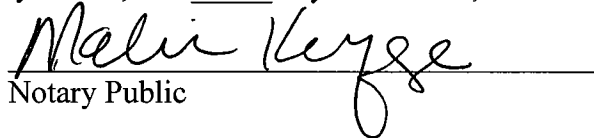
11. Plaintiff has not responded to correspondence requesting supplementation of his deficient discovery responses and a date for his deposition. (Exhibit 1) As a result, a date that was agreeable to defense counsel was chosen.

FURTHER AFFIANT SAYETH NAUGHT.

  
Jennifer Orr Mitchell

County of Hamilton )  
                                  ) ss:  
State of Ohio )

Sworn to and subscribed before me, a Notary Public, this 27<sup>th</sup> day of October, 2006.

  
Notary Public



MELISSA L KORFHAGE  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Date. Section 147.03 O.R.C.